



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/803,084	03/18/2004	Taku Takaki	62758-074	4167
7590	10/06/2005			EXAMINER
MCDERMOTT, WILL & EMERY 600 13th Street, N.W. Washington, DC 20005-3096			SMITH, SHEILA B	
			ART UNIT	PAPER NUMBER
			2681	

DATE MAILED: 10/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/803,084	TAKAKI ET AL.	
	Examiner Sheila B. Smith	Art Unit 2681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 29 July 2004.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-10 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-10 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/18/04</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1,10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Furukawa et al. (U.S. Patent Publication Number 2003/0016802).

Regarding claim 1, Furukawa et al. discloses all of the claimed invention as set forth in the instant application, additionally Furukawa et al. discloses a communication support system for providing security of telephone services of a data processing device for a telephone user, further Furukawa et al. discloses a program received in a mobile terminal device (1), wherein the mobile terminal device the program is received by the mobile terminal device in exchange for a wireless communication signal being unable to be transmitted from the mobile terminal device (which reads on paragraph 0028). However Furukawa et al. fails to specifically disclose a mobile terminal having a button.

The examiner contends, however that such a feature as a mobile terminal having a button is well known in the art, and the examiner takes official notice as such.

At the time the invention was made it would have been obvious to a person of ordinary skill in the art to modify Furukawa et al. with a mobile terminal having a button for the purpose of initiating a call or activating functions of the mobile.

Regarding claim 10, Furukawa et al. discloses all of the claimed invention as set forth in the instant application, additionally Furukawa et al. discloses a contents distribution method comprising the steps of: adding a signal for prohibiting the transmission of a call signal from a mobile terminal device; distributing the contents to the mobile terminal device; and prohibiting calls by the mobile terminal device when the contents have been received in the mobile terminal device (which reads on paragraphs 0028 and 0029). However Furukawa et al. fails to specifically disclose contents viewable in the mobile terminal device.

The examiner contends, however that such a feature as contents viewable in the mobile terminal device is well known in the art, and the examiner takes official notice as such.

At the time the invention was made it would have been obvious to a person of ordinary skill in the art to modify Furukawa et al. with contents viewable in the mobile terminal device for the purpose of utilizing the display feature of the mobile for scrolling through the menus and making selections.

2. Claims 2-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Furukawa et al. in view of Aoyama et al. (U.S. Patent Publication Number 2004/0110528).

Regarding claim 2, Furukawa et al. discloses all of the claimed invention as set forth in the instant application, additionally Furukawa et al. discloses a communication support system for providing security of telephone services of a data processing device for a telephone user, further Furukawa et al. discloses a signal processing system for a wireless communication signal that uses a mobile terminal device, a server, and a network base station transmitting the wireless

communication signal, wherein the mobile terminal device has a decision not to transmit the wireless communication signal to the network base station in exchange for receiving predetermined contents transmitted from the server (which reads on “a fourth program code unit which causes the processor to start execution of a telephone service processing of the data processing device for the telephone service indicated by the command signal from the telephone unit when it is determined by said third program code means that the command signal from the telephone unit is detected” which reads on paragraph 0028), and the wireless communication signal is not transmitted from the mobile terminal device to the network base station (which reads on paragraph 0029), and predetermined contents (which reads on signal inhibition) transmitted from the server are received by the mobile terminal device (which reads on paragraph 0029). However Furukawa et al. fails to specifically disclose a decision button.

In the same field of endeavor, Aoyama et al. further discloses a mobile terminal device and method and computer program for information processing thereof. In addition Aoyama et al. discloses a decision button (48) as exhibited in figure 3 and disclosed in (paragraph 0072).

Therefore, it would have been obvious to one of ordinary skill at the time the invention was made to modify Furukawa et al. by specifically providing for a decision button as taught by Aoyama et al. for the purpose of with a decision button for the purpose of initiating a call or activating functions of the mobile.

Regarding claim 3, Furukawa et al. in view of Aoyama et al. discloses everything claimed, as applied above (see claims 1) in addition, Furukawa et al. discloses the wireless communication signal is a program for telephone communication used when the mobile terminal

device makes telephone communication with other mobile terminal device (which reads on paragraphs 0028 and 0029).

Regarding claim 4, Furukawa et al. in view of Aoyama et al. discloses everything claimed, as applied above (see claims 1) in addition, Furukawa et al. discloses predetermined contents are transmitted in a place where the use of the mobile terminal device is limited, whereby the prevention of the use of the mobile terminal devices is promoted, so that the image of an enterprise administering the system can be improved (which reads on paragraphs 0028 and 0029.

Regarding claim 5, Furukawa et al. in view of Aoyama et al. discloses everything claimed, as applied above (see claims 1) in addition, Furukawa et al. discloses predetermined contents are transmitted in a place where the use of the mobile terminal device is limited, whereby the prevention of the use of the mobile terminal device is promoted, so that rigid adherence to manners can be achieved (which reads on paragraphs 0028 and 0029.

Regarding claim 6, Furukawa et al. in view of Aoyama et al. discloses everything claimed, as applied above (see claims 1) in addition, Furukawa et al. discloses predetermined contents are transmitted in a place where the use of the mobile terminal device is limited, whereby the prevention of the use of the mobile terminal device is promoted, and the prevention of annoyance to other people and the rigid adherence to or compliance with manners are achieved, so that the image of an enterprise administering the system can be improved (which reads on paragraphs 0028 and 0029.

Regarding claim 7, Furukawa et al. in view of Aoyama et al. discloses everything claimed, as applied above (see claims 1) in addition, Furukawa et al. discloses displaying the

name of a distributor of the program on a display screen of the mobile terminal device (which reads on paragraphs 0028 and 0029.

Regarding claims 8,9, Furukawa et al. in view of Aoyama et al. discloses everything claimed, as applied above (see claims 1) in addition, Furukawa et al. discloses prohibiting the transmission of a call signal or/and a mail communication signal from the mobile terminal device; and starting applications viewable in the mobile terminal device, wherein, when the program has been received in the mobile terminal device, calls or/and mail communication by the mobile terminal device are prohibited (which reads on paragraphs 0028 and 0029.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheila B. Smith whose telephone number is (571)272-7847. The examiner can normally be reached on Monday-Thursday 6:00 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

S. Smith 
October 1, 2005


JOSEPH FEILD
SUPERVISORY PATENT EXAMINER